B and Res

App.F.IX-4

1925 6 (Med)

File No. 89-25

Previous References
Leg 34-22/1-3

Serial Nos. 1

Later references.
Med 89-28(2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One

Part B for January 1926

SUBJECT

Proposal to introduce a Bill for providing registration of Medical Practitioners in Mysore

---

The Senior Surgeon in Mysore -

No L ~~4778~~ 4778 dated 2-1-25

States that the Govt do not see the immediate necessity of introducing the bill in the legislature as there are very few private practitioners in Mysore -

(Copies of the above to R.A + L.C. Secty

29/1/26

4167

G. PARAMASIVIAH, B.A., LL.B.
ADVOCATE

ARLEPET CHOWK
BANGALORE CITY
21-3-24.

Applied for

(1) Legis 50-23-1

21/3. The Secretary
Legislative Council
Bangalore

Sir

I have the honor to state that I sent the draft of a Bill to provide for the Registration of Medical Practitioners as far back as the 11th June 1923 to the then Secretary Legislative Council requesting him to obtain Sanction of the Dewan to introduce the Same into the

(3)

Forwarded with
Compliments to the Local
Lepsy Secy for favour of
information whether the
Sanction of the Govt has
been obtained in the matter

Please put up the file
The Senior Surgeon was
against the measure & has
accepted his view, I believe.
Cag 24/3

24/3

Serial No.

2 The member sent a private Bill mainly based on Bombay, Madras Acts (Registration of Medical Practitioners).

The Senior Surgeon was of opinion that the introduction of such a measure into Mysore State was not desirable. This opinion was shared by the Govt. & hence the matter was dropped on 16.9.1923. (vide Flag B).

But the result was not communicated to the member as the Legislative Council had been dissolved then.

The same member has now been returned to the Council & has opened the matter.

He may be asked to be intimated that no Sanction can be given

Secretary.

6987

NOTE.—Contn. sheet.

G. R. S. III-2]

(4)

General and Revenue Secretariat.	File No.	of 19 .

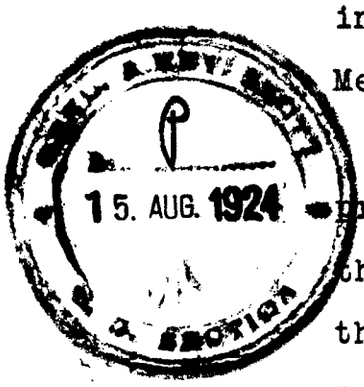
Serial No.	
	The present S. S. may be required consulted 4/11.4 Sd 12/4
W.O.No. 1090/23 of 12/4/24.	Forwarded unofficially with compliments to the Senior Surgeon for favour of remarks. By order C Abdul Ghani For Lt & Secy 12/4

NOTE—Contn. sheet.

9526

(5) 687 P

I would very strongly support the introduction of a measure for the registration of Medical Practitioners for the following reasons.



Prevention of malpractices by qualified practitioners is only one of the subsidiary results of the legislation. It can never be the main object of the bill. I cannot believe that a case has been made out for the necessity of legislation to protect the public from any harm at the hands of qualified medical practitioners.

Its main object ought to be to protect the public from being imposed upon by unqualified practitioners, assuming titles to which they have really no manner of claim. Again, certificates from Medical men may be needed for various purposes by Courts of Law and by administrative officers, and the hall mark of registration by a competent body like a Medical Council will at once furnish the authorities with a sure ground for administering justice.

As regards the practitiioners themselves, the legislation is sure to create Esprit de corps among them and give rise to healthy and obviate unhealthy competition, which will also indirectly promote public welfare. There is absolutely no reason to entertain any misgiving as regards want of support from qualified practitioners. When our Motto now-a-days is "forward!" it will be a mistake to lag behind in this respect, when the Medical Registration Act is in force all around us.

I agree with Dr. Usmon that the Bombay Act is not the best model for us to base our legislation on. It will be desirable, for many reasons, to specifically exclude from the operation of the enactment all those who practice the indigenous systems of medicine, such as the Ayurvedic, Siddha or Unani. If it is decided that we

687 P (6)

must have the measure, I am prepared to undertake the drafting of the same either on the model of the Madras Act or that of the Ceylon Ordinance which also excludes the native practitioners from its scope.

When stating that "the number of medical men in this State is limited", Dr. Usmon evidently appears to have forgotten all about the local Medical School which is turning out Licensed Medical Practitioners in large numbers every year. Now, after the establishment of the Medical College, we shall very soon be sending out annually not less than 50 qualified medical men (L.M.P's and Graduates) whose interests, as opposed to those of bogus or not fully qualified men, it must be the duty of the State to guard.

Bangalore,
15th August 1924.

H.B. Bruthagenan
Senior Surgeon.

Sir, The present Senior Surgeon considers it necessary to [illegible] legislation. But he suggests that the adoption of the Madras Act is more desirable

Sec 16/8/24

Dy Secy. (1st member) (2) The draft Enquiry may be asked to send a draft bill in the model of the Madras Act.

1535 19/8/24.

2d 18/8

8d 18/8

8/ 18/8

Draft Sir. Sec 11/9/24 12 June

9/9

8d 10/9

10/9

5095

(7)

G. R. S. III-2

General and Revenue Secretariat.

Legis File No. 50 of 1923-4

Serial No.	
2	To the Senior Surgeon No P. 1417 dt 15.9.24. With reference to Dr. Mylvaganam's unofficial note dt 15.8.24 re the introduction of a measure for the registration of medical Practitioners in the State, requests to prepare & forward a draft Bill on the model of the Madras Medical Registration Act 1914. Dd. Dublicated with a Draft Reminder dt 14/1/25 15/1 Issued no P. 3603 dt 16.1.25. Dublicate with a D.O. reminder dt 31/1/25 31/1 Issued no P. 4107 dt 2.2.25 The draft Bill has not yet been received from. with a D.O reminder dt 7/3/25 7/3 Issued P 5023 dt 17/3/25

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

Legs File No. 57 of 1923

(8)

Serial No. 3

From

The Senior Surgeon
No Ge 311-1 Dt 16-4-25
Forwards draft of a
Bill providing for the
Registration of Medical
Practitioners & states that
it is an enlargement of
the Madras Act.

Submit with reference
to para 10 supra.
Should not the Bill be
worked up in the
L.S.G. Branch?

20/4

The matter on which legislation
has to be undertaken has
first to be decided in
the administrative Branch
& discussed in council

21/4/25

22/4

To the librarian, G.R.S. Libra
for kind & sending up a copy
of the Madras Medical
Practitioners Act for

GENERAL & REVENUE SECRETARIAT
6696L
23 APR. 1925
LOCAL SELF GOVT. BRANCH

NOTE—Contn. sheet.

with many apologies
for the delay and for
favor of kind return
when done with.

J. Emerson
Mrs S'rs

J. K. Emerson Dyer by 1872
with Leaf it from.

Serial No.

referred
C.G.
24/4/25-2445

him) a formal requisition slip may kindly be sent.
C.G.
24/4/25

The Madras Govt Act IV 1914 is stated to be not available in the office. The Senior Surgeon reports that the draft bill is a reenactment & declaration of the Madras Act. Submitted for orders.
C.G.,
30/4/25.

Request for orders with a copy of the Madras Medical Registration Act (IV of 1914) just now received from the P.A. to the Senior Surgeon.
C.G.
14/5/25

This was, [illegible] to the file relating to the cancellation of the license of Haridas Chemists to deal in dangerous drugs.

Please send the 29 above mentioned & 2 more Madras Acts if available in the Senior Surgeon's office.
10/5

D.O. issued
No. 1278
dt. 5-5-25

Subd
C.G.
11-5-25

NOTE—Contn. sheet.

6686 (10)

[App. F. III—2

General and Revenue Secretariat | File No. | of 192

Serial No.

This file along with the other file referred to above was received back after being from the Revenue Office to Yesterday. The two files are now separated & the case is resubmitted for orders

C.G. HMK
27/10/25 27/10/25

The copy of the Madras Medical Practitioners Act, which was last asked for as reference has not been received in the Branch with the file

C.G.
27/10/25

Bill for the Registration of Medical Practitioners

Submitted with reference to para 20 of the rules, under which it is stated that the opinion of the administrative Branch as to the necessity for the Bill is required & the matter then considered in Council before legislative action can be taken thereon. Dr Hyderagunam has been asking us for a copy of the Bill for the Registration of Medical Practitioners vide para 8 of the rules. The present Senior Surgeon was not in favour of a Bill for the purpose in Sept 1923. He has now forwarded a draft of the Bill himself based on the Madras Act of 1914! There is perhaps necessity for such a Bill

L. Rees)

28
2/11/25

Bill may perhaps be introduced into the Assembly.

Please put up the Madras Act & also the discussions in Council on Bodies the Act.

28
10/11
28

Note—Contn. Sheet

4394 11/11

Serial No.

47555
21.11.25

Volumes of Fort St George Gazettes Containing the required information are forthwith for perusal as ordered.

C.S.
20/11/25

20/11/25
2nd Member. 23/20/11

The question refers to the introduction of a Medical Practitioners Act, including a Dental Registration Etc. The Madras Act, which is proposed to be adapted excludes Unani & Ayurvedic Doctors. Whether the Members who wishes to introduce this, Mr Paramaswami, may be asked first to move a resolution in the R.A. or whether Govt may bring it up in the R.A as a Govt measure, may perhaps be discussed in Council if Dewan approves, Surgeon being asked to be present.

Chief Secy 30/11/25

Dewan

DEWAN'S OFFICE
Rec'd 2 DEC. 1925
Reg. No. 4488

Note—Contn. Sheet

(For Disposal at a Meeting)

(12) No. C. 259
of 1925-6.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause ii of the schedule)

Question of introducing a Bill for Registration of Medical Practitioners in Mysore.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

8th December 1925.

Extraordinary Member of Council.

29/9/12 **First Member of Council.**

5300 8/12 **Second Member of Council.** 9/12/25

Extra Member of Council.

687/p. 24

(3) Subject. - 14

C. Leg (13)

Question of introducing a Bill for Registration of Medical Practitioners in Mysore.

....

OPINION OF THE COUNCIL.

Ans

Having regard to the small number of private practitioners in the State there is no immediate need for a law of the kind. The question as to what action can be taken to regulate the dispensing business of persons & the unqualified men may be investigated

17/12/25

May be sent to the L.S.G. Branch for further action

21.12

L to L Secy with Corrs/to

21/12/25

21.12

Serial No

Mem submitted.

27/12

Draft Govt for appl.
It has been checked & issued from the Legislation Branch.
C. G. M.
27/12/25

22 Dec)

Drafting the appl

28/12

5841/26/12

27 Dec

Appd

28/12

28/12

28/12

28/12

1 No 24778 of 2/12/26. Do Senior Surgeon states that Govt consider that there is no immediate necessity for the introduction of Legislative measure proposed — and requests to investigate and report the question as to what action can be taken to regulate the dispensing of medicines and performing of operations by non-qualified men

B of Govt

18 JAN 1926

NOTE—Contn. Sheet

G. R. S. III-21

General and Revenue Secretariat.

File No. (15) 5033 of 19 .

Serial No.

This answer may perhaps be given.

Comb 8/6
c/6.

Member 29-; 7/6 cag 7/6

After his usual explanation please
keep this file till Legislature meets
for drafting his bill.

Under
7/6
8/6
cag 9.6

Draft Subd:- Done cag 10/6

Sent 15/6

10/6.

To Mr. C. Paramasivaiah B.A. LL.B.
Member. Legislative Council
Bangalore.

Camp.
No P. 36 dt 16. 6. 24.

Sir,

I am directed to state that the Senior Surgeon has been consulted in the matter and that on receipt of reply from that officer, a definite answer will be given.

Subw. The main file re Mr. Paramasivaiah's medical Registration Bill has been sent to the Senior Surgeon vide D. O. Memo dated the 24/6/24 requesting the receipt of the file be expedited - yes. + reminder, if necessary.

cag 25/6

NOTE—Contn. sheet.

36925

5095
P

(17)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Office of the Secretary, Legislative Council

Bangalore, Dated 29-5-24

No. 1576

R. RANGA RAO, Esq.. B.A., B.L.,
Secretary, Legislative Council.

To

The Secretary to Government
Local and Legislative Departments.

SIR,

I am directed to forward herewith for disposal letter dated 20.5.1924 from Mr.G.Paramasiviah, B.A.LL.B., Member, Legislative Council enquiring whether it would be possible for him to introduce the Bill for the registration of medical practioners into the Legislative Council to be held in June next. Copy of reply sent to the gentleman is also enclosed.

I have the honor to be

sir,

your most obedient servant

R. Ranga Rao

Secretary.

The connected papers may be perused. Whether the opinion of the Senior Surgeon has been asked for again. Can 29/5

The file sent to the Senior Surgeon 4.0 has not yet been received back.

In any case, permission sought for may not be granted for the meeting in June next. The return of the file & orders of the Dewan are necessary. Perhaps may perhaps be sent that the Senior Surgeon has been consulted about the measure & after receiving his reply a definite answer will be given. Hd Sec

Encls.
SC
28/5/24.

(18)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Office of the Secretary, Legislative Council

Bangalore, Dated 29-5-24

No. 1575-

From

R. RANGA RAO, Esq., B.A., B.L.,
Secretary, Legislative Council.

To

G.Paramasiviah Esq. B.A. LL.B.
Member, Legislative Council.

SIR,

With reference to your letter dated 20th May 1924 requesting to be informed whether it would be possible for you to introduce the Bill for the Registration of Medical Practioners into the Legislative Council, I write this to say that the matter is receiving attention in the Local and Legislative Departments of the General and Revenue Secretariat and that your letter has been transferred there.

I have the honor to be

sir,

your most obedient servant

Sd. R. Ranga Rao.

Secretary.

MVN

Copy.
R.R. Rao Esq.
Secretary. R.A. & L.C.

[G. R. S. VI–G-32]

B50—WD 0527

SUBJECT .....

(19)

Diary No. of letter replied to .....

Section Legn

File No. 50-23

Serial No. 2

General and Revenue Secretariat

( )

, the *192*

No. 1417

Date of issue 15/9/24

To The Senior Surgeon in Mysore

Signed by W. J.S

Sir,

With reference to Dr. Mysore general's unofficial note No h-C 42 of 15th Aug 1924. re introduction of a measure for the registration of medical practitioners in the State, I am directed to request that a draft Bill may be prepared & sent to Govt. on the model of the Madras Medical Registrations Act, 1914

over

11/9/24.

15/9/24

J Lawrence

42466

Legis 50 — 23 — 3

4452

P

MYSORE MEDICAL DEPARTMENT.

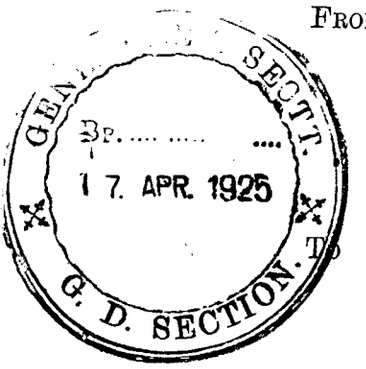
In reply quote
No. 4.C.311-1

Encl. 4.

Telegraphic Address
"SENORGEN"

OFFICE OF THE SENIOR SURGEON,
MYSORE GOVERNMENT,
Dated Bangalore, the 16-4-1925.

(20)



FROM

B. Mahomed Usmon Esq., L.M.S.,
The Senior Surgeon with the Government of
His Highness the Maharaja of Mysore,
Bangalore.

The Secretary to the Government of His Highness
the Maharaja of Mysore, Local & Legislative Depts.
Bangalore.

SIR,

With reference to your letter No.1417-Legis.50-23-3, dated the 15th September 1924, I have the honor to forward herewith, the draft of a Bill providing for the Registration of Medical Practitioners in Mysore, together with a Statement of Objects and Reasons and to state that the draft is a verbatim adaptation of the Madras Act No.IV of 1914, which was passed in that Presidency after a full consideration of the various objections brought against the enactment by certain Members of the Madras Legislative Council. ⊗ in duplicate

I have the honor to be,
Sir,
Your most obedient servant,

B/17/4 17/4

B Usmon
Senior Surgeon.

THE MYSORE MEDICAL PRACTITIONERS' REGISTRATION BILL

No. of 1925.

(21)

Statement of objects and Reasons.

Legislation providing for the registration of Medical Practitioners has been introduced in every Province of British India and a desire for similar legislation in this State has been expressed in certain quarters in recent years. The increased facilities for medical education created by the development of the Medical School into a College and the institution of the Medical Faculty in connection with the Mysore University appear to have added new force to this desire, to meet which, the present Bill is drafted.

This Bill is based on the Madras Medical Registration Act, No. IV of 1914, and like that enactment, its main object is to provide for the maintenance of an authoritative register which will enable the public in general, and the less informed section thereof in particular, to find out who are properly qualified practitioners and who are not so qualified. It confers certain privileges on registered medical practioners, and at the same time bringing them under the disciplinary control of a recognised body, the Medical Council, which is also proposed to be entrusted with the responsibility of seeing that the standard of professional education and training is maintained at a sufficiently high level.

Although indigenous systems of medicine like the Aryrvedic and Yunani have received recognition at the hands of the Government in as much as institutions for their teaching and practice are being maintained or aided from public funds, yet in the present state of development of these systems it is considered inexpedient to bring them within the scope of this Regulation. These indigenous institutions are therefore proposed to be left undisturbed in the enjoyment of their present rights and privileges.

Bangalore,
16th April 1925.

Senior Surgeon.

A BILL FOR THE REGISTRATION OF MEDICAL PRACTITIONERS IN MYSORE.

(22)

WHEREAS it is expedient to provide for the registration of Medical Practitioners in Mysore it is hereby enacted as follows:-

Short title. (Mad.Act.IV of 1914, Sec. 1)

1. (1) This Regulation may be called the Mysore Medical Registration Regulation of 1925.

Extent.

(2) It extends to the whole of Mysore.

Commencement. (Do.Sec.2)

(3) The provisions of Section 4 shall come into force on such date as the Government of His Highness the Maharaja of Mysore may notify in this behalf. The rest of this Regulation shall come into force at once.

Definitions. (Do. Sec. 3).

2. In this Regulation unless there is something repugnant in the subject or context,-

(1) "British Medical Act" means Statute 21 & 22 Victoria, Chapter 90 (the Medical Act), and any act amending the same.

(2) "Council" means the Medical Council established by this Regulation.

(3) "Hospitals,""Asylums," "Infirmaries' Dispensaries", "Lying-in- Hospitals," "Sanatoriums" mean institutions the methods of treatment carried on in which are those which are approved by the Medical Council established by this Regulation.

(4) "Prescribed" means prescribed by Rules or By-laws made under this Regulation.

(5) "Registered Practitioner" means any person registered under the provisions of this Regulation.

(23)

Privileges of Registered Practitioners.

(Mad.Act.IV of 1914, Sec.40)

4. Notwithstanding anything tothe contrary in any enactment, Rule, By-law or any other provision of law -

(1) No certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of Government no one other than a registered practitioner shall be competent to hold any appointment as Physician, Surgeon or other Medical Officer in any Hospital Asylum, Infirmary, Dispensary or Lying-in-Hospital, not supported entirely by voluntary contributions or as Medical Officer of Health.

Medical Council.

(Do. Sec.5)

5. (1) A Medical Council shall be established for Mysore and shall consist of ten members as follows:-

(a) The Senior Surgeon for the time being who shall be the President,

(b) One Member elected by the Medical Faculty of the Mysore University,

(c) Two members elected by the registered Practitioners who are graduates in medicine of the Mysore University or of any of the Universities named in the Schedule hereto,

(d) Two Members elected by all other registered practitioners,

(e) Four Members nominated by the Government,

(2) The Council shall elect in the prescribed manner from among its members a Vice President who shall preside at the meetings of the Council in the absence of

(24)

of the President.

Qualification for Membership of Council. (Mad.Act.IV of 1914, Sec.6.)

6. No person shall be eligible to be a Member of the Council unless he is a registered practitioner.

Provided that in the case of first appointments made under this Regulation, the persons electing the members under Clauses (c), (d) and (e) of Sub Section (1) of Section 5 and the members appointed shall be persons who are qualified to be registered under Clauses (a) and (b) of Section 13.

Tenure of office of Members. (Do. Sec.7)

7. The Members of the Council shall hold office for a term of five years and shall be eligible for re-appointment.

Cessation of Membership. (Do. Sec.8)

8. A Member of the Council shall be deemed to have vacated his seat -

(1) on sending his resignation in writing to the President or Registrar;

(2) on his absence without excuse sufficient in the opinion of the Council from three consequtive meetings of the Council;

(3) on his absence out of Mysore for six consecutive months;

(4) on removal of his name from the register;

(5) on his being declared an insolvent by any competent Court;

(6) on expiry of the term mentioned in Section 7.

Filling up of vacancies. (Do.Sec.9)

9. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of Section 5.

(25)

Registrar & other Officers.
(Mad.Act.IV of 1914, Sec.10 slightly modified)

10. (1) The Council may appoint an officer, whether wholetime or part time, to act as Registrar and Secretary to the Council.

(2) The Council shall appoint a Treasurer.

(3) The Council may employ such other persons as it may deem necessary for the purposes of this Regulation.

(4) All persons appointed or employed under this Section shall be deemed to be Public Servants within the meaning of Section 21 of the Indian Penal Code.

Medical Register.
(Do. Sec.11)

11. It shall be the duty of the Registrar to keep a register of Medical Practitioners and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the Mysore Gazette.

Meetings of Council.
(Do. Sec.12)

12. Except as otherwise provided in this Regulation no business shall be transacted at a meeting of the Council unless at least five members are present.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the Members present and voting at the meeting. In the case of an equality of votes the Member presiding at the meeting shall have a casting vote.

Persons entitled to be Registered.
(Do. Sec.13)

13. Subject to the provisions of Section 14, every person who -

(a) is for the time being registered under the British Medical Act, or

13 (b) or is possessed of any of the qualifications described in the Schedule shall be entitled to be registered on furnishing to the Registrar proof of such registration or qualification, whether or not such person practises or intends to practise the Allopathic or any other system of medicine.

Provided that the Government may, after consulting the Council, permit the registration of any person who shall furnish to the Registrar proof that he is possessed of a Medical degree, Diploma or Certificate of any University, Medical College or School approved by the Council, other than those described in the Schedule.

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after inquiry at which opportunity has been given to the candidate to be heard in person or by Pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

Registration Fee.
(Mad. Act.IV of 1914, Sec.14)

14. Every person who applies to be registered under this Regulation shall pay a registration fee of fifteen rupees.

Every registered practitioner who applies to the registrar for registration in respect of any additional qualification obtained subsequent to registration under this Regulation shall pay a fee of five rupees.

Appeal against Registration Order.
(Do. sec.15)

15. An appeal shall lie to the Council against any order of the Registrar under Section

(27)

Section 13 or Section 14. The said appeal shall be preferred within three months from the date of the order appealed against.

Fraudulent entry.
(ad.Act IV of 1914, Sec.16)

16. (1) The Council may, if it sees fit, and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended.

Removal from Register.

(2) The Council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under Section 13 and the ~~section~~ second proviso thereto shall apply to any inquiry under this Section. The Council may also direct that any name so removed shall be restored.

Council may appoint Committee for Enquiries.

(Do. Sec.17)

17. (1) An inquiry under Section 13 or Section 16 may be held by a Committee consisting of three members of the Council elected for the purpose by the Council. The Council or the Committee, as the case may be, may at its discretion hold such inquiry in camera. The decision of the Committee shall be deemed to be the decision of the Council.

Committee to be deemed a Court.

(2) For the purpose of any such inquiry or of any appeal under Section 15, the Council or any Committee thereof elected as aforesaid shall be deemed to be a Court within the meaning of the Indian Evidence Act 1872.

Appeal to Government.

(Mad.Act IV of 1914, Sec.18)

18. An appeal shall lie to the Government against every decision of the Council under Section 13 or Section 16. Such appeal shall be preferred within three months from the date of the Council's decision.

(Do. Sec.19)

19. No act done in the exercise of any power conferred by this Regulation on the Government or the Council or the Registrar shall be questioned in any Civil Court.

Alteration of Schedule.

(Do. Sec.20)

20. It shall be lawful for the Government by Notification in the Mysore Gazette to alter the Schedule.

Power of Council to call for information etc.

(Do. Sec.21)

21. The Council shall have power to call on the Governing body or authorities of any University, Medical College or School included in or desirous of being included in the Schedule -

(a) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in Medicine and Surgery and Midwifery; and

(b) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the Examinations held by such University, College or School.

If the said body or authorities refuse to comply with any such demand, the Government may, upon report by the Council, remove such University, College or School from the Schedule or refuse to include it in the Schedule.

Default of Council.

(Do. Sec.22)

22. If at any time it shall appear to the Government that the Council has neglected to exercise or has exceeded or abused any

any power conferred up it under this Regulation or has neglected to perform any duty imposed upon it by this Regulation, the Government may notify the particulars of such neglect, excess or abuse to the Council; and if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the Government may think fit.

Penalty for pretending to be Registered Practitioner.

(Mad.Act IV of 1914, Sec.23)

23. Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished, on conviction by a Magistrate of the First Class with fine that may extend to three hundred rupees.

Power to make Rules and bye-laws.

(Do. Sec.24)

24.(1) The Government may, after previous publication, make Rules for the purpose of carrying out the provisions of this regulation.

In particular and without prejudice to the generality of the foregoing provision, the Government may make Rules:-

i. For the election of Members to the Council under Sections 5 and 6;

ii. For the election of the Vice President of the Council;

iii.To regulate the procedure at an inquiry held under Section 13 or Section 16;

iv. For the institution, hearing and disposal of appeals under Section 15 or Section 18;

v. For the compilation and publication of the Register;

vi. For the disposal of fees received under this Regulation.

(2) The Council may, with the previous sanction of Government, make bye-laws:-

i. For the convening of meetings of the Council;

ii. For the conduct of business at such meetings.

 (30)

24 (2) iii. For the appointment, control, pay and allowances of the establishment employed under Section 10.

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S C H E D U L E.

1. The degree of Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the University of Mysore, Madras, Bombay, Calcutta, Allahabad and Lahore.

2. A Diploma or Certificate granted by a British Indian Government or the Government of Ceylon to any person trained in a Medical College or School declaring him to be qualified to practise Medicine, Surgery and Midwifery.

3. The Diploma of Fellow, and Member and the Licentiate certificate granted by the State Medical Faculty of Bengal and the College of Physicians and Surgeons of Bombay.

4. The Hyderabad Medical School or Oosmania Medical College.

5. The Bihar and Orissa Medical Examination Board.

6. The Burma Medical Examination Board.

7. The United Provinces Examination Board,

8. The Central Provinces Examination Board,

9. The Assam Medical Examination Board.

ASM.

(31)

THE MYSORE MEDICAL PRACTITIONERS' REGISTRATION BILL

No. of 1925.

Statement of objects and Reasons.

Legislation providing for the registration of Medical Practitioners has been introduced in every Province of British India and a desire for similar legislation in this State has been expressed in certain quarters in recent years. The increased facilities for medical education created by the development of the Medical School into a College and the institution of the Medical Faculty in connection with the Mysore University appear to have added new force to this desire, to meet which the present Bill is drafted.

This Bill is based on the Madras Medical Registration Act, No. IV of 1914, and like that enactment, its main object is to provide for the maintenance of an authoritative register which will enable the public in general, and the less informed section thereof in particular, to find out who are properly qualified practitioners and who are not so qualified. It confers certain privileges on registered medical practitioners, and at the same time brings them under the disciplinary control of a recognised body, the Medical Council, which is also proposed to be entrusted with the responsibility of seeing that the standard of professional education and training is maintained at a sufficiently high level.

Although indigenous systems of medicine like the Aryrvedic and Yunani have received recognition at the hands of the Government in so much as institutions for their teaching and practice are being maintained or aided from public funds, yet in the present state of development of these systems it is considered inexpedient to bring them within the scope of this Regulation. These indigenous institutions are therefore proposed to be left undisturbed in the enjoyment of their present rights and privileges.

Bangalore,
16th April 1925.

Senior Surgeon.

(32)

A BILL FOR THE REGISTRATION OF MEDICAL PRACTITIONERS IN MYSORE.

WHEREAS it is expedient to provide for the registration of Medical Practitioners in Mysore it is hereby enacted as follows:-

Short title. (Mad.Act.IV of 1914, Sec. 1)

1. (1) This Regulation may be called the Mysore Medical Registration Regulation of 1925.

Extent.

(2) It extends to the whole of Mysore.

Commencement. (Do.Sec.2)

(3) The provisions of Section 4 shall come into force on such date as the Government of His Highness the Maharaja of Mysore may notify in this behalf. The rest of this Regulation shall come into force at once.

Definitions. (Do. Sec. 3).

2. In this Regulation unless there is something repugnant in the subject or context,-

(1) "British Medical Act" means Statute 21 & 22 Victoria, Chapter 90 (the Medical Act), and any act amending the same.

(2) "Council" means the Medical Council established by this Regulation.

(3) "Hospitals,""Asylums," "Infirmaries Dispensaries", "Lying-in- Hospitals," "Sanatoriums" mean institutions the methods of treatment carried on in which are those which are approved by the Medical Council established by this Regulation.

(4) "Prescribed" means prescribed by Rules or By-laws made under this Regulation.

(5) "Registered Practitioner" means any person registered under the provisions of this Regulation.

Privileges of Registered Practitioners.
(Mad.Act.IV of 1914, Sec.40)

4. Notwithstanding anything tothe contrary in any enactment, Rule, By-law or any other provision of law -

(1) No certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of Government no one other than a registered practitioner shall be competent to hold any appointment as Physician, Surgeon or other Medical Officer in any Hospital Asylum, Infirmary, Dispensary or Lying in Hospital, not supported entirely by voluntary contributions or as Medical Officer of Health.

Medical Council.
(Do. Sec.5)

5. (1) A Medical Council shall be established for Mysore and shall consist of ten members as follows:-

(a) The Senior Surgeon for the time being who shall be the President,

(b) One Member elected by the Medical Faculty of the Mysore University,

(c) Two members elected by the registered Practitioners who are graduates in medicine of the Mysore University or of any of the Universities named in the Schedule hereto,

(d) Two Members elected by all other registered practitioners,

(e) Four Members nominated by the Government,

(2) The Council shall elect in the prescribed manner from among its members a Vice President who shall preside at the meetings of the Council in the absence of

of the President.

Qualification for Membership of Council.

(Mad.Act.IV of 1914, Sec.6.)

6. No person shall be eligible to be a Member of the Council unless he is a registered practitioner.

Provided that in the case of first appointments made under this Regulation, the persons electing the members under Clauses (c), (d) and (e) of Sub Section (1) of Section 5 and the members appointed shall be persons who are qualified to be registered under Clauses (a) and (b) of Section 13.

Tenure of office of Members.

(Do. Sec.7)

7. The Members of the Council shall hold office for a term of five years and shall be eligible for re-appointment.

Cessation of Membership.

(Do. Sec.8)

8. A Member of the Council shall be deemed to have vacated his seat -

(1) on sending his resignation in writing to the President or Registrar;

(2) on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;

(3) on his absence out of Mysore for six consecutive months;

(4) on removal of his name from the register;

(5) on his being declared an insolvent by any competent Court;

(6) on expiry of the term mentioned in Section 7.

Filling up of vacancies.

(Do.Sec.9)

9. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of Section 5.

Registrar & other Officers.
(Mad. Act. IV of 1914, Sec. 10 slightly modified)

10. (1) The Council may appoint an officer whether wholetime or part time, to act as Registrar and Secretary to the Council.

(2) The Council shall appoint a Treasurer.

(3) The Council may employ such other persons as it may deem necessary for the purposes of this Regulation.

(4) All persons appointed or employed under this Section shall be deemed to be Public Servants within the meaning of Section 21 of the Indian Penal Code.

Medical Register.
(Do. Sec.11)

11. It shall be the duty of the Registrar to keep a register of Medical Practitioners and from time to time to revise the register and publish it in the prescribed manner. Such register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872, and may be proved by a copy published in the Mysore Gazette.

Meetings of Council.
(Do. Sec.12)

12. Except as otherwise provided in this Regulation no business shall be transacted at a meeting of the Council unless at least five members are present.

All questions which may come before the Council shall be decided in accordance with the votes of the majority of the Members present and voting at the meetings. In the case of an equality of votes the Member presiding at the meeting shall have a casting vote.

Persons entitled to be Registered.
(Do. Sec.13)

13. Subject to the provisions of Section 14, every person who -

(a) is for the time being registered under the British Medical Act, or

13 (b) or is possessed of any of the qualifications described in the Schedule shall be entitled to be registered on furnishing to the Registrar proof of such registration or qualification, whether or not such person practises or intends to practise the Allopathic or any other system of medicine.

Provided that the Government may, after consulting the Council, permit the registration of any person who shall furnish to the Registrar proof that he is possessed of a Medical degree, Diploma or Certificate of any University, Medical College or School approved by the Council, other than those described in the Schedule.

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after inquiry at which opportunity has been given to the candidate to be heard in person or by Pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

Registration Fee.
(Mad. Act.IV of 1914, Sec.14)

14. Every person who applies to be registered under this Regulation shall pay a registration fee of fifteen rupees.

Every registered practitioner who applies to the registrar for registration in respect of any additional qualification obtained subsequent to registration under this Regulation shall pay a fee of five rupees.

Appeal against Registration Order.
(Do. sec.15)

15. An appeal shall lie to the Council against any order of the Registrar under Section

Section 13 or Section 14. The said appeal shall be preferred within three months from the date of the order appealed against.

Fraudulent entry.
(ad.Act IV of 1914, Sec.16)

16. (1) The Council may, if it sees fit, and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended.

Removal from Register.

(2) The Council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under Section 13 and the ~~section~~ second proviso thereto shall apply to any inquiry under this Section. The Council may also direct that any name so removed shall be restored.

Council may appoint Committee for Enquiries.

(Do. Sec.17)

17. (1) An inquiry under Section 13 or Section 16 may be held by a Committee consisting of three members of the Council elected for the purpose by the Council. The Council or the Committee, as the case may be, may at its discretion hold such inquiry in camera. The decision of the Committee shall be deemed to be the decision of the Council.

Committee to be deemed a Court.

(2) For the purpose of any such inquiry or of any appeal under Section 15, the Council or any Committee thereof elected as aforesaid shall be deemed to be a Court within the meaning of the Indian Evidence Act 1872.

Appeal to Government.

(Mad.Act IV of 1914, Sec.18)

18. An appeal shall lie to the Government against every decision of the Council under Section 13 or Section 16. Such appeal shall be preferred within three months from the date of the Council's decision.

(Do. Sec.19)

19. No act done in the exercise of any power conferred by this Regulation on the Government or the Council or the Registrar shall be questioned in any Civil Court.

Alteration of Schedule.

(Do. Sec.20)

20. It shall be lawful for the Government by Notification in the Mysore Gazette to alter the Schedule.

Power of Council to call for information etc.

(Do. Sec.21)

21. The Council shall have power to call on the Governing body or authorities of any University, Medical College or School included in or desirous of being included in the Schedule -

(a) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in Medicine and Surgery and Midwifery; and

(b) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the Examinations held by such University, College or School.

If the said body or authorities refuse to comply with any such demand, the Government may, upon report by the Council, remove such University, College or School from the Schedule or refuse to include it in the Schedule.

Default of Council.

(Do. Sec.22)

22. If at any time it shall appear to the Government that the Council has neglected to exercise or has exceeded or abused any

any power conferred up it under this Regulation or has neglected to perform any duty imposed upon it by this Regulation, the Government may notify the particulars of such neglect, excess or abuse to the Council; and if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the Government may think fit.

Penalty for pretending to be Registered Practitioner.

(Mad.Act IV of 1914 Sec.27)

23. Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished, on conviction by a Magistrate of the First Class with fine that may extend to three hundred rupees.

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(Do. Sec.24)

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6. The Burma Medical Examination Board.
7. The United Provinces Examination Board,
8. The Central Provinces Examination Board,
9. The Assam Medical Examination Board.

ASM.

(41)

The Madras Medical Practitioners' Registration Bill.

The main arguments for and against the Bill, as revealed by the discussions in the Madras Council, are analysed in the following note:-

For the Bill.

1. It enables people resorting to medical aid to distinguish qualified from unqualified practitioners.

2. Under the Bill, a competent Council is appointed, which undertakes the duty of keeping the standard of medical education in the country up to the required mark.

3. Medical practitioners registered under the provisions of the Bill could be brought under greater discipline and the status of the profession could be maintained at a higher standard.

4. The Bill does not seek to prevent unqualified men like Vaidyas and Hakims from practising their own systems of medicine; only they do not enjoy the rights which are conferred on registered practitioners by the Bill and which are as follows
   i. right of granting certificates
   ii. right of holding appointments under Government and public bodies.
   iii. right of exemption from serving on juries.

5. The criticism that the indigenous systems of medicine die out, if the western system ~~was~~ is granted recognition, is not tenable, for, those systems are not worked on scientific lines and the physicians do not disclose to others a knowledge of their best drugs or of their best preparations.

6. The whole object of the Bill is to protect qualified medical men against unqualified persons who pretend to be upholders of the western method.

Against the Bill

1. A medical practitioners' Act is necessary and may be supported, in a country like England where the people and the State are acquainted with but one system of medicine. In India, conditions are different. Those who submit to western treatment are but a minority, while the great majority of the people of this country seek relief at the hands of indigenous doctors. Any action on the part of the Government in abandoning their attitude of neutrality between the two systems and in recognising the practitioners of the western system of medicine to the exclusion of practitioners of the indigenous systems will be resented by indigenous institutions.

2. The proposed legislation is an undue interference with the social customs and religious sentiments of the people.

3. Although it is stated that the legislation does not touch indigenous doctors, yet it cannot but discourage and discount the study of the Ayurvedic and Unani systems of medicine, for the Government will be expressly putting their stamp of

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approval on the western system and of disapproval on the eastern or indigenous systems.

4. The excellence of the Ayurvedic system is acknowledged on all hands. If it has nevertheless made little headway, it is because ~~their~~ this system of treatment is not adequately encouraged by the State.

5. The Bill withdraws Government grants from Ayurvedic institutions on the ground that they are not recognised and this ~~same~~ action is neither fair nor just.

6. The Bill, if it is to be acceptable at all, should also provide for the registration of men practising Ayurvedic and Unani systems.

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The Bill was carried by the Council in all its stages and was promulgated into law on May 12, 1914.

The following are the important features of the Act:-

Clause 4	deals with the privileges of a registered practitioner
Clause 5	provides for the constitution of a Medical Council consisting of 15 members including a president and vice-President - the president and 7 of the members being nominated by the Governor-in-Council and the remaining 7 being elected by the bodies specified.
Clause 11	provides for the maintenance of a register of qualified medical practitioners.
Clause 13	defines the persons who are entitled to be registered
Clause 16	provides for disciplinary control over registered practitioners.
Clause 22	provides for ~~some~~ control by the Local Government over the Medical Council where it has neglected to exercise, or has exceeded or abused any power conferred upon it under the Act or has neglected to perform any duty imposed on it by the Act.

The term "hospital" is so defined as to indicate that the Ayurvedic and Unani systems of medicine are outside the purview of the Act.

Valid
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SUBJECT (43)

Diary No. of letter replied to

General and Revenue Secretariat
( )
; the 192

Date of issue 2/1/25

Signed by

List of enclosures

Copied by

Examined by

Section
File No. 89-25
Serial No. 1

No. 24778.

To The Senior Surgeon
in Mysore, Bangalore

Sir,

With reference to
the correspondence
ending with your letter
No. C 311-1 dated
the 16th April 1925
forwarding the draft
of a bill provided
for the registration
of Medical Practi-
tioners in Mysore,
I am directed to
state that [illegible]

over